

Claim Rejections Under 35 U.S.C. §102(e)

Claims 1-34, 37-39 and 42 stand rejected under 35 U.S.C. §102(e) as being anticipated by Titmuss, *et al.* (U.S. Patent No. 6,397,040, hereinafter "Titmuss"). Applicants believe these claims to be allowable for the following reasons. First, claim 1 recites "determining a current location of a mobile subscriber." The office action states that this limitation is found in Titmuss at column 2, lines 57-62. However, at that location, Titmuss teaches "tracking the location of a user in the system by receipt of tracking information for said user." Thus, Titmuss does not teach *determining* the subscriber's location as Applicant's claim; Titmuss teaches receiving information that discloses the location of the subscriber, a distinctly different teaching. Thus, claim 1 is believed to be patentable, at least for this reason.

Similarly, claim 17 recites "service logic for determining a current location of the mobile subscriber." As stated above, however, Titmuss teaches receiving tracking information from the user. Thus, claim 17 is believed to be patentable, at least for this reason.

Claims 2-16 and claims 18-42 each depend from either of claims 1 or 17 and are believed to be patentable, at least for the reasons stated above with respect to claims 1 and 17.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 35-36 and 40-41 are rejected under U.S.C. §103(a) as being unpatentable over Titmuss in view of Dufour, *et al.* (U.S. Patent No. 6,212,377, hereinafter "Dufour"). In addition to the reasons stated above, Applicants believe claims 35, 36, 40, and 41 to be patentable over the cited references for the following additional reason.

Applicants respectfully traverse the asserted motivation to combine Titmuss with Dufour. Applicants note that,

[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

(MPEP § 2143.01) However,

[t]he examiner may take official notice of facts outside the record which are capable of instant and unquestionable demonstration as being well-known in the art. ... If justified, the examiner should not be obliged to spend time to produce documentary proof. If the knowledge is of such notorious character that official notice can be take, it is sufficient so to state. ... If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position.

When a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts **must be supported, when called for by the applicant, by an affidavit** from the examiner.

(MPEP § 2144.03, emphasis added) Because no reference is cited providing the teaching, suggestion, or motivation to combine Titmuss with Dufour, Applicants assume the office action is relying on facts within the personal knowledge of the examiner. Applicants, therefore, request either an express showing of documentary proof, or an affidavit specifically stating the facts within the personal knowledge of the examiner, as required by MPEP § 2144.03.

#### CONCLUSION

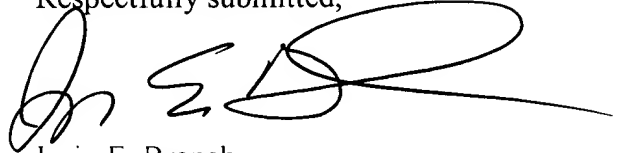
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Donald E. Gillespie, *et al.*  
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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Irvin E. Branch', with a long horizontal flourish extending to the right.

Irvin E. Branch  
Reg. No. 42,358

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (303) 571-4000 Denver  
Fax: (303) 571-432  
GB:arl  
DE 7084959 v1



**PRESENTLY PENDING CLAIMS**

1. (Once Amended) A method for processing communication services for a mobile subscriber associated with a wireless network, the method comprising:

receiving from the mobile subscriber user-defined, location-dependent rules associated with at least one communication service subscribed to by the mobile subscriber;

determining a current location of the mobile subscriber; and

processing the communication services based on the user-defined, location-dependent rules and the current location of the mobile subscriber.

2. (Once Amended) The method as recited in claim 1 wherein receiving the user-defined, location-dependent rules comprises:

receiving from the subscriber a specification for at least one geographic area associated with the mobile subscriber; and

receiving from the subscriber rules for processing the at least one communication service for the mobile subscriber when the mobile subscriber is in one of the geographic areas.

3. (Once Amended) The method as recited in claim 2 wherein the specification defines a dynamic geographic area dependent on the instantaneous location of the subscriber.

4. (Once Amended) The method as recited in claim 2 wherein the specification includes receiving a signal indicating a general geographic area dependent on the current location of the subscriber.

5. (Once Amended) The method as recited in claim 2 wherein the specification defines a static geographic area independent of the current location of the subscriber.

6. (Once Amended) The method as recited in claim 5 wherein the static geographic area is selected from a list of predetermined geographic areas.

7. (Once Amended) The method as recited in claim 5 wherein the static geographic area includes a general geographic area dependent upon a known geographic location.

8. (As Filed) The method as recited in claim 1 wherein the wireless network includes at least one base station at a known location for communicating with the mobile subscriber and wherein determining the current location of the mobile subscriber comprises:  
receiving a signal from the mobile subscriber; and  
determining the location of the mobile subscriber based on the signal from the mobile subscriber and the known location of the at least one base station.

9. (As Filed) The method as recited in claim 8 wherein receiving the signal includes continuously receiving the signal from the wireless subscriber.

10. (As Filed) The method as recited in claim 8 wherein receiving the signal includes receiving the signal from the wireless subscriber in response to a prompt from the wireless network.

11. (As Filed) The method as recited in claim 8 wherein receiving the signal includes receiving a Global Positioning Signal from the mobile subscriber.

12. (As Filed) The method as recited in claim 8 wherein receiving the signal includes receiving a strength of the signal from the mobile subscriber.

13. (As Filed) The method as recited in claim 8 wherein receiving the signal includes receiving signal propagation timing information from the mobile subscriber.

14. (Once Amended) The method as recited in claim 1 wherein processing the communication services comprises:  
receiving an outgoing call from the mobile subscriber; and  
processing the outgoing call based on the user-defined, location-dependent rules and the current location of the subscriber.

15. (Once Amended) The method as recited in claim 1 wherein processing the communication services comprises:  
receiving an incoming call for receipt by the mobile subscriber; and  
processing the incoming call based on the user-defined, location-dependent rules and the current location of the subscriber.

16. (Once Amended) The method as recited in claim 1 further comprising:  
determining supplemental subscriber information from the mobile subscriber; and  
wherein processing the communication services further comprises processing the communication services based on the supplemental subscriber information, the current location of the subscriber and the user-defined, location-dependent rules.

17. (Once Amended) A system for processing communication services for a mobile subscriber associated with a wireless network, the system comprising:

a database for storing user-defined, location-dependent rules associated with at least one communication service subscribed to by the mobile subscriber; and

service logic for determining a current location of the mobile subscriber and generating call processing instructions for processing the communication services based on the user-defined, location-dependent rules and the current location of the mobile subscriber.

18. (Once Amended) The system as recited in claim 17 further comprising an interface operable to receive from the mobile subscriber a specification for at least one geographic area associated with the mobile subscriber and rules for processing the communication services for the mobile subscriber when the mobile subscriber is in one of the geographic areas.

19. (Once Amended) The system as recited in claim 18 wherein the specification includes a dynamic geographic area dependent on the instantaneous location of the subscriber.

20. (Once Amended) The system as recited in claim 19 wherein the interface is further operative to receive a signal as part of the specification that defines a changing geographic area dependent on the current location of the subscriber.

21. (Once Amended) The system as recited in claim 18 wherein the specification includes at least one static geographic area independent of the current location of the subscriber.

22. (Once Amended) The system as recited in claim 21 wherein the static geographic area is selected from a list of predetermined geographic areas.

23. (Once Amended) The system as recited in claim 21 wherein the static geographic area includes a general geographic area dependent upon a known geographic location.

24. (Once Amended) The system as recited in claim 17 wherein the wireless network includes at least one base station at a known location for communicating with the mobile subscriber and wherein the service logic, in determining the current location of the mobile subscriber, is further operative to receive a signal from the mobile subscriber, and determine the location of the mobile subscriber based on the signal from the mobile subscriber and the known location of the at least one base station.

25. (As Filed) The system as recited in claim 24 wherein the service logic, in receiving the signal, is further operative to continuously receive the signal from the mobile subscriber.

26. (As Filed) The system as recited in claim 24 wherein the service logic, in receiving the signal, is further operative to receive the signal from the mobile subscriber in response to a prompt by the service logic.

27. (As Filed) The system as recited in claim 24 wherein the service logic, in receiving the signal, is further operative to receive a Global Positioning Signal from the mobile subscriber.

28. (As Filed) The system as recited in claim 24 wherein the service logic, in receiving the signal, is further operative to receive a strength of the signal from the mobile subscriber.

29. (As Filed) The system as recited in claim 24 wherein the service logic, in receiving the signal, is further operative to receive signal propagation timing information from the mobile subscriber.



30. (Once Amended) The system as recited in claim 17 wherein the service logic, in processing the communication services, is further operative to receive an outgoing call from the mobile subscriber, and process the outgoing call based on the user-defined, location-dependent rules and the current location of the subscriber.

31. (Once Amended) The system as recited in claim 17 wherein the service logic, in processing the communication services, is further operative to receive an incoming call for receipt by the mobile subscriber, and process the incoming call based on the user-defined, location-dependent rules and the current location of the subscriber.

32. (Once Amended) The system as recited in claim 17 wherein the service logic is further operative to determine supplemental subscriber information from the mobile subscriber and process the communication services based on the supplemental subscriber information, the current location of the subscriber and the user-defined, location-dependent rules.

Please add the following claims:

33. (As Filed) The method as recited in claim 1, wherein the current location of the mobile subscriber includes an area not defined by the boundaries of a cell of the wireless network.

34. (As Filed) The method as recited in claim 1, wherein the at least one communication service includes caller identification.

35. (As Filed) The method as recited in claim 1, wherein the at least one communication service includes call forwarding.

36. (As Filed) The method as recited in claim 1, wherein the at least one communication service includes do not disturb.

37. (As Filed) The method as recited in claim 2, wherein at least one geographic area is not defined by the boundaries of a cell of the wireless network.

38. (As Filed) The system as recited in claim 17, wherein the current location of the mobile subscriber includes an area not defined by the boundaries of a cell of the wireless network.

39. (As Filed) The system as recited in claim 17, wherein the at least one communication service includes caller identification.

40. (As Filed) The system as recited in claim 17, wherein the at least one communication service includes call forwarding.

41. (As Filed) The system as recited in claim 17, wherein the at least one communication service includes do not disturb.

42. (As Filed) The system as recited in claim 18, wherein at least one geographic area is not defined by the boundaries of a cell of the wireless network